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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,924	08/22/2001	Brian R. Beams	05222.00184	9686

29638 7590 11/06/2003

BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE  
10 S. WACKER DRIVE, 30TH FLOOR  
CHICAGO, IL 60606

EXAMINER

SALAD, ABDULLAHI ELM I

ART UNIT PAPER NUMBER

2157

DATE MAILED: 11/06/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,924

Applicant(s)

BEAMS ET AL.

Examiner

Salad E Abdullahi

Art Unit

2157

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 39-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 58-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. This application has been reviewed. Original claims 1-76 are pending. The rejection cited stated below.

***Specification***

2. The disclosure is objected to because of the following informalities: A computer program listing (see the specification, pages 122-148) which is (26) pages must be submitted in the form of microfiche. Applicants are no longer guaranteed that all computer program listing submitted on paper will be printed as part of the patent. See 37 CFR 1.96 which includes that change starting September 23, 1996.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

**Election/Restriction**

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-38 and 58-76, are drawn to cooperative computer processing, classified in class 709, subclass 205.
- II. Claims 39-57, are drawn knowledge processing, classified as class 706, subclass 45.

5. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not

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disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Mr. Kenneth F. Smolik on October 29, 2003 a provisional election was made with traverse to prosecute the invention of group I claims 1-38 and 58-76. Affirmation of this election must be made by applicant in replying to this Office action. Claims 39-57 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated Daniels et al U.S. Patent No. 5,310,349.

As per claims 1, 10 and 11, Daniels et al discloses a system for establishing virtual consultant (virtual teacher), comprising the steps:

- connecting a server and one or more users and first virtual instructor (first teacher)

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(see col. 3, lines 15-40 and col 4, lines 19-50 and col. 6, lines 37-64);

- selecting a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50);
- coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50); and
- establishing interaction parameters (providing support functions ) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50).

In considering claims 3-5 and 12-15, Daniels et al discloses a system, wherein the destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40)

In considering claims 6-9 and 16-19, Daniels et al discloses a system, wherein interaction parameters include support for collaboration, support for bulletin board, support for recording functions and support for electronic distribution (see fig. 4, element 44).

As per claims 20, 29 and 30, Daniels et al discloses a system for establishing virtual consultant (virtual teacher), comprising the steps:

- connecting a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col 4, lines 19-50 and col. 6, lines 37-64);
- selecting a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50);

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- coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50); and
- establishing interaction parameters (providing support functions ) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).
- adding second virtual instructor (second teacher) (see col. 6, lines 37-64).

In considering claims 21-18 and 31-38, Daniels et al., disclose variety of functions of the second virtual instructor (second teacher) (see col. 6, lines 36-63 and col. 14, lines 37-64).

As per claims 58, 67 and 68, Daniels et al discloses a system for establishing virtual consultant (virtual teacher), comprising the steps:

- connecting virtual classroom (fig. 4, element 28) and one or more users (see col. 3, lines 15-40 and col 4, lines 19-50 and col. 6, lines 37-64);
- selecting a presentation type (location, classroom) within the classroom to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50);
- coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50); and
- establishing interaction parameters (providing support functions ) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col 4, lines 19-50).

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In considering claims 59, and 69 Daniels disclose the presentation type includes media center (see fig. 4, element 22).

In considering claims 60-66 and 70-76. Daniels disclose variety of interaction parameters allowing plurality of people to interact with the system (see col. 3, 1-40).

### CONCLUSION

10. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

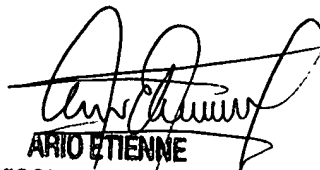
**Any response to this action should mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231  
or faxed to: **(703) 7872-9306**.

As  
10/30/2003

  
**ARIO ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**